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Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida has received the petition for declaratory statement from Joshua D. Krut, Esq., In Re: Turnberry Village South Tower Condominium Association, Inc., Docket No. 2012031177, on July 17, 2012. The petition seeks the agency's opinion as to the applicability of Section 718.112(2)(d), Florida Statutes, as it applies to the petitioner.

Whether Turnberry Village South Tower Condominium Association, Inc., may schedule its annual meeting from the last date originally noticed or the last date re-noticed and held under its bylaws and Section 718.112(2)(d), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Roy J. Brewer, Petitioner, In Re: Spanish Lakes One Homeowners Association, Inc., Docket No. 2012031103, on July 16, 2012. The petition seeks the agency's opinion as to the applicability of Section 723.075(3), Florida Statutes, as it applies to the petitioner.

Whether Spanish Lakes One Homeowners' Association bylaw restricting its membership to bona fide mobile home owners in the park conflicts with Section 723.075(3), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that on July 17, 2012, the Division of Pari-Mutuel Wagering, Department of Business and Professional Regulation, has received the petition for declaratory statement from Petitioner Gulfstream Park Thoroughbred After Racing Program, Inc., in DBPR Case No. 2012031503 (DS 2012-058). The petition seeks the agency's opinion as to the applicability of Chapter 550, F.S., as it applies to the petitioner.

Petitioner seeks a determination as to whether the term "year" used in Section 550.0745, F.S., means calendar year or state fiscal year, whether Petitioner was the permitholder with the smallest amount of pari-mutuel play in either Broward or Miami-Dade counties for state fiscal year 2011-2012 or calendar year 2011, and if so, whether it is eligible to apply for the summer jai alai permits available under Section 550.0745, F.S. Any person whose substantial interests may be affected by a declaratory statement on the subject matter of the Petition may file a petition to intervene within 14 days of the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202, (850)921-0342.

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has received the petition for declaratory statement from Pete Quintella, Chief Mechanical Inspector, City of Miami Beach Building Department, filed on July 23, 2012. The petition seeks the agency's opinion as to the applicability of Section 489.105(3)(g), Florida Statutes, as it applies to the petitioner.

The Petitioner seeks the Board to interpret Section 489.105(3)(g), Florida Statutes, and whether it is in the scope of a Class B air conditioning contractor to replace a 2 ton water cooled heat pump unit, which has been piped directly to the riser of a 500 ton water cooling tower; to replace a 2 ton water cooled heat pump unit, with shut off valves connected to the riser of a 500 ton water cooling tower; and to replace a broken shut-off valve feeding a water cooled 2 ton unit which is connected to the riser of a 500 ton water cooling tower.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Drew Winters, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

Please refer all comments to: Drew Winters, Executive Director, Construction Licensing Board, P. O. Box 5257, Tallahassee, Florida 32314-5257.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has declined to rule on the petition for declaratory statement filed by the Broward County Board of Rules and Appeals on July 18, 2012. The following is a summary of the agency's declination of the petition:

The Florida Building Commission denied the petition because the petition requested clarification regarding repairs and remodeling of mobile homes. Pursuant to Section 553.73(10)(a), Florida Statutes, mobile homes, and repairs to them are exempt from the Florida Building Code because they are regulated by the federal Department of Housing and Urban Development and by delegated authority, to the Florida Department of Highway Safety and Motor Vehicles.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk's Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Suite 92, Tallahassee, Florida 32399-2203.

Please refer all comments to: April L. Hammonds, Office of the General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1000.

NOTICE IS HEREBY GIVEN that the Florida Building Commission has declined to rule on the petition for declaratory statement filed by Andrew B. Finlayson on July 18, 2012. The following is a summary of the agency's declination of the petition:

The Florida Building Commission (Commission) denied the petition because the petition requested the Commission to interpret the Florida Accessibility Code for Building Construction and Chapter 11 of the Florida Building Code regarding a subject matter that is not a Florida specific requirement and strictly within the scope of the Americans with Disabilities Act, and pursuant to Section 553.775(5), Florida Statutes, a declaratory statement is an inappropriate means to obtain the interpretation requested.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk's Office, Department of Business and Professional Regulation, 1940 North Monroe Street, Suite 92, Tallahassee, Florida 32399-2203.

Please refer all comments to: April L. Hammonds, Office of the General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1000.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that the Board of Nursing has issued an order disposing of the petition for declaratory statement filed by Amanda M. Walter, RN, MSN, CEN, on April 23, 2012. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 38, No. 19, of the May 11, 2012, Florida Administrative Weekly. The Board considered the Petition at its duly-noticed meeting held on June 7, 2012. The Petitioner was seeking advice regarding whether it is within the scope of practice for a registered nurse to perform intraosseous cannulation under the direct supervision of a licensed physician in a hospital emergency department. The Petitioner has not performed an intraosseous cannulation, and has not been asked to do so. The Board's Order, filed on July 9, 2012, denies the Petition, finding that a declaratory statement may only address particular circumstances of the Petitioner, and may not constitute a statement of general applicability concerning other licensees.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Joe R. Baker, Jr., Executive Director, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE